

APR 24 2007

REMARKS

In the Office Action dated January 25, 2007, claims 1-11, 13-30 and 32 are pending in the application of which claims 1-10 are withdrawn. The allowability of claims 23-26, if rewritten in independent form, is acknowledged. Claims 1, 15, 23, 24, 27, 28 and 30 have been amended. Applicant respectfully requests the Examiner to reconsider the rejections.

As an initial matter, claims 23 and 24 have been rewritten in independent form. Accordingly, claims 23-26 should be in a condition for allowance.

Independent claims 11, 15, 27, 28 and 30 have all been similarly amended to clarify that the method claimed is with respect to a single wheel of the vehicle. As explained in paragraph [0038] of the specification, the method may be run simultaneously or sequentially on each of the vehicle wheels to determine whether a wheel is lifted. In the examples of the specification, the determination of whether a wheel is lifted is performed sequentially.

Accordingly, with respect to the rejection of claims 15-22, 30 and 32 under 35 U.S.C. §102(e) in view of Holst, U.S. Publication No. 2001/0037677, Applicant traverses. Specifically, Applicant traverses the suggestion in the Office Action that Holst discloses storing a peak wheel speed after initiating the build cycle, discloses determining a second wheel speed, or discloses the claimed reacceleration threshold, wherein the steps are performed with respect to a single wheel of the vehicle as required in independent claim 15. Again, the Office Action relies largely on paragraphs [0032] and [0038] of Holst to disclose many of the features of Applicant's independent claims. In all instances, the Holst disclosure concerns comparative velocities between the vehicle wheels on the inside of a turn and the vehicle wheels on the outside of a turn. All of the calculations and determinations are made on the basis of velocities and accelerations for the inside wheels versus the outside wheels. There is no mention or suggestion of Applicant's claimed steps of storing a peak wheel speed, determining a second wheel speed, and declaring a first or second lift status in response to the change in wheel and a reacceleration threshold, when the steps are performed with respect to a single wheel of the vehicle. Applicant has reviewed the Holst disclosure in

its entirety and particularly, paragraph [0032] cited in the Office Action, and cannot find any disclosure analogous to Applicant's steps of storing a peak wheel speed after initiating the build cycle and determining a second wheel speed to determine the change in wheel speed from the peak speed. Accordingly, the rejections of claims 15-22 in view of Holst should be withdrawn.

For at least these same reasons, the rejection of claims 11, 13, 14 and 27 which all rely upon Holst in view of Akuta should likewise be withdrawn. The Holst reference does not disclose or suggest Applicant's steps of storing a peak wheel speed, or determining a second wheel speed, or determining a slip ratio in response to an applied pressure or torque, wherein each of these steps is carried out with respect to a single wheel of the vehicle. Applicant therefore requests that the Examiner withdraw the rejection of claims 11, 13, 14 and 27 in view of Holst and Akuta.

Finally, Applicant traverses the rejection under 35 U.S.C. §103 of claims 28 and 29 in view of Szabo in view of Akuta. Specifically, Applicant traverses the suggestion in the Office Action that Szabo discloses an automotive vehicle having an anti-lock brake system and a roll control system. Accordingly, Szabo fails to disclose Applicant's step of initiating an anti-lock brake monitor mode by the vehicle anti-lock brake system when the roll control system suspects lift and the driver is braking above a minimum pressure level. The ABS monitor mode of claim 15 is shown in Figure 5 as step 180 and 182, and is described in detail with reference Figure 8. Nothing analogous to Applicant's claimed step of initiating an anti-lock brake monitor mode is disclosed in either Szabo or Akuta. For at least this reason, the rejections under 35 U.S.C. §103 should be withdrawn.

In view of the foregoing remarks, Applicant submits that all rejections and objections are now overcome and that the application is in a condition for allowance. A Notice of Allowance indicating the allowability of claims 11, 13-30 and 32 is therefore earnestly solicited. The Examiner is invited to telephone the Applicant's undersigned attorney if any unresolved matters remain or if the Examiner has any comments which would place the application in a better condition for allowance.

The Examiner is hereby authorized to charge any fees required in the filing of this amendment to deposit account 06-1510 or, if that account lacks sufficient funds, use deposit account 06-1505.

Respectfully submitted,

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Dated: April 24, 2007